

Bill NO. G - 88 - 05-06

GENERAL ORDINANCE NO. 12-88

AN ORDINANCE OF AMENDING CHAPTER 26
THE MUNICIPAL CODE OF THE
CITY OF FORT WAYNE

WHEREAS, the City of Fort has adopted Chapter 26 of the
Municipal Code regarding the subdivision of land located
within the City, and,

WHEREAS, A proposed amendment as herein set out has
been made.

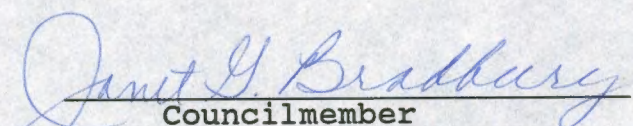
NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Section 26-7 of Chapter 26 of the Municipal
Code is hereby deleted, and replaced by the following:

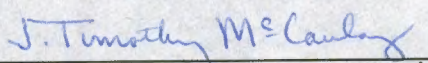
The application shall include each of the following: 1)
a statement specifying the intentions of the owner
respecting the proposed planned use of the development, 2)
a copy of the deed, 3) applicable deed restrictions and
restrictive covenants, and 4) a statement describing the
existing and proposed drainage, sewage disposal, water
facilities and 5) the intended date of the development.
The application shall be accompanied with the applicable
filing fee as established by the Plan Commission.

SECTION 2. All other items and provisions of Chapter
26 of the Municipal Code are hereby ratified and affirmed.

SECTION 3. This Ordinance shall be in full force and
effect from and after its passage and signing by the Mayor.


Councilmember

APPROVED AS TO FORM AND LEGALITY


J. Timothy McCauley, City Attorney

Read the first time in full and on motion by Bradbury, seconded by Redd, and duly adopted, read the second time by title and referred to the Committee on Regulation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, 19____, the _____ o'clock _____ M., E.S.T.

DATE: 5-10-88

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by GiaQuinta, seconded by Redd, and duly adopted, placed on its passage. PASSED ~~LOST~~ by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT</u>
TOTAL VOTES	<u>7</u>	_____	_____	_____	<u>2</u>
BRADBURY	_____	_____	_____	_____	<u>✓</u>
BURNS	<u>✓</u>	_____	_____	_____	_____
GiaQUINTA	<u>✓</u>	_____	_____	_____	_____
HENRY	<u>✓</u>	_____	_____	_____	_____
LONG	<u>✓</u>	_____	_____	_____	_____
REDD	<u>✓</u>	_____	_____	_____	_____
SCHMIDT	<u>✓</u>	_____	_____	_____	_____
STIER	_____	_____	_____	_____	<u>✓</u>
TALARICO	<u>✓</u>	_____	_____	_____	_____

DATE: 6-14-88

Marilyn Estep
SANDRA E. KENNEDY, CITY CLERK
Deputy

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) _____ (APPROPRIATION) _____ (GENERAL) _____ (SPECIAL) _____ (ZONING MAP) _____ ORDINANCE _____ RESOLUTION NO. 9-12-88 on the 14th day of June, 1988,

ATTEST:

SEAL

Marilyn Estep
SANDRA E. KENNEDY, CITY CLERK
Deputy

Thomas P. Henry
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of June, 1988, at the hour of 11:30 o'clock A .M., E.S.T.

Marilyn Estep
SANDRA E. KENNEDY, CITY CLERK
Deputy

Approved and signed by me this 16th day of June, 1988, at the hour of 8:30 o'clock P .M., E.S.T.

P. Helmke
PAUL HELMKE, MAYOR

BILL NO. G-88-05-06

*fee
changes
to
municipal
code*

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) OF AMENDING CHAPTER
26 THE MUNICIPAL CODE OF THE CITY OF FORT WAYNE

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~) Do Pass

YES

NO

Janet G. Bradbury JANET G. BRADBURY
CHAIRPERSON
Mark E. GiaQuinta MARK E. GIAQUINTA
VICE CHAIRMAN
Charles B. Redd CHARLES B. REDD
David C. Long DAVID C. LONG
Paul M. Burns PAUL M. BURNS

CONCURRED IN 6-14-88

S.E.K.
Sandra E. Kennedy
City Clerk



MEMORANDUM

TO: City Council Members

FROM: Greg Purcell, Director, Community Development and Planning

SUBJECT: Zoning and Sub-Division Fees

DATE: May 20, 1988

Attached are two ordinances G-88-05-06 and G-88-05-07 which would amend the Zoning Ordinance to allow the Plan Commission to establish fees for zoning petitions, permits, and subdivision fees. Presently these fees are established in the ordinance and many have not been changed since 1955. State statute provides that the City can delegate this authority to the Plan Commission which would make it somewhat easier to change fees on a timely basis.

One of the reasons for charging fees is to defray the City's cost for reviewing zoning and development petitions, conducting public hearings, and enforcing the laws controlling such development as established by the City Council. It is clear in these times of limited financial resources at the local government level that we need to utilize "user fees" to buttress our revenues while maintaining the lowest possible tax rate. These ordinance amendments will allow us to accomplish this purpose.

While the Plan Commission wishes to maintain some flexibility in establishing fees at this point, a benchmark for raising fees is the new fee structure adopted by the County last year. A chart is attached which compares our current fees with those of the County. The staff of CD&P will be recommending a fee schedule to the Plan Commission that will be very close, if not identical, to those fees charged in the County.

Should you have any questions on this matter prior to the Council meeting, please do not hesitate to contact me at 427-1131.

GP/sjh

Attachments

Yes.
long overdue!

Fee For:	Fort Wayne	Year Fee 'Est'd	Allen Co.	Year Fee Est'd
Plan Commission	\$50.00	1955	\$100.00	1987
BZA Filing	\$50.00	1955	\$50.00	1987
H.O. Filing	\$50.00	1986	\$50.00	1987
Vacation	\$100.00	1955	\$75.00	1987
Imp. Loc. Permit	\$3.00	1974	\$20.00	1987
Cert. of Occup.	\$3.00	1974	\$10.00	1987
Prim. Dev. Plan	\$50.00	1955	\$200.00	1987
Sec. Dev. Plan	N.C.	1955	\$200.00	1987
Prim. Subdivision	\$75.00	1955	\$ 60.00 + \$1.00/lot	1987
Sec. Subdivision	\$75.00 +\$2.00/lot not to exceed \$200	1955	\$ 60.00 + \$1.00/lot	1987
Sign Permits	\$0.20 /Sq.Ft. first side and \$0.10 Sq.Ft. for the second side	1987	\$2.00	1987

ORD-344

ORIGINAL

DIGEST SHEET

ORIGINAL

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE This amendment would permit the City Plan

Commission to establish and collect reasonable fees associated with the provisions
of both primary and secondary subdivision applications.

5-88-05-06

EFFECT OF PASSAGE This ordinance will allow the Subdivision Control Ordinance
to reflect the provisions of Title 36 of the Indiana Code.

EFFECT OF NON-PASSAGE Status of present ordinance will remain the same.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.) _____

FACT SHEET

G-88-05-06

**Division of Community
Development & Planning****BILL NUMBER****BRIEF TITLE****APPROVAL DEADLINE****REASON**

Zoning Ordinance Amendment

DETAILS**Specific Location and/or Address**

Not Applicable

Reason for Project

This amendment would permit the City Plan Commission to establish and collect reasonable fees associated with the provisions of both primary and secondary subdivision applications.

Discussion (Including relationship to other Council actions)
18 April 1988 - Public Hearing

Greg Purcell, Director of Community Development & Planning stated that we have two ordinances that would change the way that fees are charged for various subdivision and zoning petitions. He stated that right now the ordinance has a specified fee in it. He stated that what staff is suggesting is that the ordinance be amended to not specify what a fee was to be, but to give that discretion to the Plan Commission to establish those fees. He stated that the next step would obviously be to recommend an increase in those fees since some of them have not been increased since 1954. He stated that one convenience of this amendment would be that future changes in fees would not require an ordinance change to go through the City Council every time. He stated that the Plan Commission could examine this on a timely basis and make changes as they see fit.

Karl Bandemer with Northhill Development Corporation stated that he was opposed to the amendment that would allow the City Plan Commission to establish fees. He stated he was not opposed to the raising

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents****Applicant(s)**

City Department

Land Use Management - CD&P

Other

Opponents**Groups or Individuals**Karl Bandemer, Northhill Dev
Corporation**Basis of Opposition**-opposed to procedural change
of establishing**Staff
Recommendation**☒ For☐ Against

Reason Against

**Board or
Commission
Recommendation****By**☒ For☐ Against☐ No Action Taken☐ For with revisions to conditions
(See Details column for conditions)**CITY COUNCIL
ACTIONS**
(For Council
use only)☐ Pass☐ Other☐ Pass (as
amended)☐ Hold☐ Council Sub.☐ Do not pass

DETAILS

of the fees but to the change in the procedure to do so. He stated the procedure now for setting of fees, throughout the city, is appropriate in that departments must go through City Council.

Angie Derheimer stated that there are already departments in the city that set their own fees, the Park Department being one of them.

Greg Purcell pointed out that State Law provides that the Plan Commission may have the authority to set fees and there are other communities that do delegate that authority to the Plan Commission.

There was no one else present who wished to speak in favor of or in opposition to the proposed amendment.

25 April 1988 - Business Meeting

Motion was made and seconded that the amendment be returned to the Common Council with a DO PASS recommendation, motion carried.

Of the six (6) members present five (5) voted in favor of the motion one (1) did not vote.

POLICY / PROGRAM IMPACT

Policy or
Program
Change

☐

No

☐

Yes

Operational
Impact
Assessment

(This space for further discussion)

Project Start

Date 8 April 1988

Projected Completion or Occupancy

Date 17 May 1988

Fact Sheet Prepared by

Patricia Biancaniello

Reviewed by

Date 17 May 1988

Date

5/20/88

Reference or Case Number

Gary Baiter